

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

DAVID WHITT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:18-cv-1294
	)	
CITY OF ST. LOUIS, et al.,	)	
	)	
Defendants.	)	

**JOINT MOTION TO AMEND CASE MANAGEMENT ORDER**

COME NOW Plaintiff David Whitt, by and through his undersigned counsel, and Defendants City of St. Louis (the City), Ryan Linhorst, Matthew Karnowski, Matthew Shaw, and Bobby Baine, by and through their undersigned counsel, and respectfully request that the Court enter an order amending the current Case Management Order. In support thereof, Plaintiff and Defendants state as follows:

1. This lawsuit arises out of and relates to Plaintiff David Whitt's arrest on August 8, 2016, while filming police activity and the seizure of his camcorder, and his subsequent municipal prosecution. Mr. Whitt asserts several claims, including a *Monell* claim against the defendant City of St. Louis.
2. Both parties have exchanged discovery, and have supplemented their responses to discovery in accordance with the federal rules and this Court's case management order.
3. Since October 2019, the parties have communicated regularly via email regarding the identification and production of relevant documents.
4. On March 10, 2020, Plaintiff's counsel identified a list of categories from which the City would produce responsive files from its Internal Affairs Division (IAD). Without waiving the

right to subsequently request the production of additional IAD files, Plaintiff's counsel agreed to this limited production by the City.

5. The week of March 16, 2020, the City was placed on work-from-home restrictions due to the COVID-19 outbreak. Because the City employee who has access to the IAD files was working from home and did not have access to the IAD files, City has been unable to produce the IAD files. Following new guidance from the City government that relaxed the stay-at-home restriction, the employee in question has now resumed working in the office. However, due to a backlog in requests, the City estimates that the files will not be ready for production until the week of June 15, 2020, at the earliest.

6. Under the current Case Management Order, Plaintiff's deadline to disclose expert witnesses and provide Rule 26(a)(2) reports is June 3, 2020. *See* ECF No. 67. Defendants' deadline to depose Plaintiff's expert witnesses is June 24, 2020. *Id.*

7. Due to the extraordinary circumstances presented by the COVID-19 pandemic, the above deadlines are no longer feasible.

8. Accordingly, the parties respectfully request that the Court adjust the dates in the Case Management Order as set forth in the Proposed Order attached hereto as **Exhibit A**.

9. This request for an extension of time on the deadlines in the case is made in good faith, and not for purposes of delay. Nor will these extensions prejudice any party, as all parties consent and will receive the benefit from the extensions.

10. This is an unopposed joint motion for extension of time, thus pursuant to E.D.Mo. L.R. 4.01, neither party has filed a memorandum in support of this Motion.

WHEREFORE, for the foregoing reasons, the parties respectfully request that the Court grant this Motion and enter an order amending the Case Management Order as requested more specifically in the Proposed Order attached hereto as **Exhibit A**.

Jointly submitted this 29th day of May 2020:

By: /s/ W. Patrick Mobley  
Amy E. Breihan, #65499MO  
Megan G. Crane, #71624MO  
W. Patrick Mobley, #63636MO  
RODERICK AND SOLANGE  
MACARTHUR JUSTICE CENTER  
3115 South Grand Blvd., Suite 300  
St. Louis, MO 63118  
Phone: 314-254-8450  
Fax: 314-254-8547  
amy.breihan@macarthurjustice.org  
megan.crane@macarthurjustice.org  
pat.mobley@macarthurjustice.org

Respectfully Submitted,

JULIAN BUSH  
CITY COUNSELOR

By: /s/ Abby Duncan  
Abby Duncan #67766MO  
Erin K. McGowan #64020MO  
1200 Market Street, Room 314  
City Hall  
St. Louis, Mo 63103  
(314) 622-4694  
(314) 622-4956 fax  
DuncanA@stlouis-mo.gov  
McGowanE@stlouis-mo.gov  
*Attorneys for Defendant*